



Office of the Attorney General  
State of Texas

December 29, 1997

DAN MORALES  
ATTORNEY GENERAL

Mr. Joe B. Hairston  
Walsh, Anderson, Underwood, Schulze & Aldridge  
P.O. Box 2156  
Austin, Texas 78768

OR97-2829

Dear Mr. Hairston:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 111400.

You represent the Georgetown Independent School District (the "district"). The district received a request for information about a teacher formerly employed by the district. The district has released various responsive records, but you assert that some of the information at issue is excepted from disclosure pursuant to sections 552.101, 552.102, and 552.117 of the Government Code. You submitted to this office for review documents that have been marked to show examples of the types of information that the district seeks to withhold.

We note initially that you marked as confidential the teacher's driver's license number, which is included in the submitted material. Although you assert the applicability of section 552.101, which protects from disclosure information made confidential by other law, we think that the appropriate exception to assert for driver's license numbers is section 552.130 of the Government Code, which provides:

- (a) Information is excepted from the requirements of Section 552.021 if the information relates to:
- (1) a motor vehicle operator's or driver's license or permit issued by an agency of the state;
  - (2) a motor vehicle title or registration issued by an agency of this state; or
  - (3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

(b) Information described by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

Since it does not appear that this driver's license number is subject to release to this requestor under chapter 730, we agree that it is protected from disclosure under section 552.130.

You assert that some of the submitted records are evaluations protected from disclosure under section 21.355 of the Education Code, which provides that "[a]ny document evaluating the performance of a teacher or administrator is confidential." This office has interpreted this section to apply to any document that evaluates, as that term is commonly understood, the performance of a teacher or administrator. Open Records Decision No. 643 (1996). We agree that the submitted evaluations of the teacher are confidential and may not be disclosed to the requestor.

The teacher's college transcripts also were submitted to this office. Section 552.102(b) provides:

Information is excepted [from disclosure] if it is a transcript from an institution of higher education maintained in the personnel file of a professional public school employee, except that this section does not exempt from disclosure the degree obtained or the curriculum on a transcript in the personnel file of the employee.

In Open Records Decision No. 526 (1989) at 2, this office determined that "governmental bodies must edit from professional public employees' transcripts information other than the employee's name, the degree obtained, and the courses taken." You state that the district has already provided the requestor with transcript information showing the curriculum and the degree obtained by the teacher. We agree that the remaining transcript information is protected from disclosure under section 552.102.

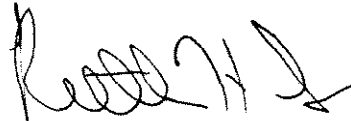
You also assert that the former employee's home address, home telephone number, and social security number are protected from disclosure under section 552.117 of the Government Code. You assert that "release of the teacher's social security number, address and phone number are precluded by Tex. Gov. Code § 552.117, unless specifically allowed by the employee." Sections 552.024 and 552.117 provide that a public employee can opt to keep private his or her home address, home telephone number, social security number, or information that reveals that the individual has family members. Thus, this information is public unless the employee or former employee affirmatively opts in writing for the information to be kept confidential. You must withhold this information if, as of the time of the request for the information, the former employee had elected to keep the information private. Open Records Decision Nos. 530 (1989) at 5, 482 (1987) at 4, 455 (1987).

We note that you also asserted that the teacher evaluations and information on the college transcripts which reveal college grades, grade point average, and "academic status"

are excepted from disclosure on the basis of common-law and constitutional privacy under sections 552.101 and 552.102 of the Government Code. Since this type of information must be withheld from disclosure under the statutes previously discussed, we need not address your arguments concerning common-law and constitutional privacy.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 111400

Enclosures: Marked documents

cc: Ms. Donna Logan Wisdom  
*Dallas Morning News*  
P. O. Box 655237  
Dallas, Texas 75265  
(w/o enclosures)